

## Appendix A-2

### NOTICE OF PREPARATION (NOP)

Appendix A-2 includes a copy of the Notice of Preparation (NOP) for the proposed Project, transcripts from the Public Scoping Hearings conducted on the NOP, copies of all comment letters received on the NOP during the public comment period, and an indication (Section, sub-Section and page number) where each individual comment is addressed in the Draft EIR. Table A-1 presents those persons who attended and/or spoke or submitted written comments during the scoping period. Table A-2, located in front of the letters received and the transcript from the scoping period, lists all comments and shows the comment set identification number for each letter or commenter. Based on Table A-2, each comment set is immediately followed by the location where each individual comment is addressed in the Draft EIR. Comment letters are presented chronologically followed by the transcripts from the Public Hearing, and errata and minor text clarifications. The comments from the Applicant are presented at the end of the comment letters.

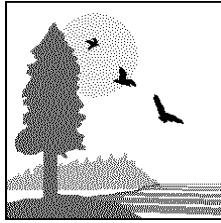
**Table A-1**  
**Shell Terminal DEIR NOP Hearing List**

<b>Name of Commenter Agency /Affiliation</b>	<b>Form of Involvement</b>
Edgar Mendelsohn Co-Chair, Conservation Committee Mt. Diablo Group of the SF Bay Chapter, Sierra Club	Written Letter
Mr. Wainwright	Spoke at Scoping Hearing
Mr. Barker	Spoke at Scoping Hearing
Mr. Platt	Spoke at Scoping Hearing

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**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**PAUL D. THAYER, Executive Officer**

(916) 574-1800 FAX (916) 574-1810

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**Contact FAX: (916) 574-1885**

**NOTICE OF PREPARATION OF  
A DRAFT ENVIRONMENTAL IMPACT REPORT  
AND  
NOTICE OF PUBLIC SCOPING MEETING**

CSLC EIR No.: 722

Project: EIR for Shell Martinez Marine Oil Terminal

CSLC Ref Files: Lease PRC4980.1;

WP4908; W9777.16; W30068.16

SCH No.: 2004072114

**Date:** July 21, 2004

**To:** Interested Parties

**Project:** New 30-year lease to Shell Oil Products US (Shell) to continue current operations of crude oil and petroleum product marine terminal

**Applicant:** Shell Oil Products US (Shell)  
3485 Pacheco Blvd.  
Martinez, California 94553

**Location:** The Shell Marine Oil Terminal (Shell Terminal) at Martinez is located on the south side of the Carquinez Strait, in Contra Costa County, approximately 0.6 miles west of the Benicia- Martinez Bridge in the city of Martinez, California.

**Project Description:**

The Shell Terminal and refinery have occupied the current location since 1915, processing hydrocarbon fuels and asphalt, with an approximate average throughput of 155,000 barrels per day. The Shell Terminal occupies State tide and submerged lands under the jurisdiction of the California State Lands Commission (CSLC). Shell currently leases 19.26 acres of sovereign public land from the CSLC for the Shell Terminal, and is seeking approval from the CSLC for a new 30-year lease.

## Purpose of Public Scoping Process:

The California State Lands Commission (CSLC) will be the Lead Agency under the California Environmental Quality Act (CEQA), and will prepare an Environmental Impact Report (EIR) for this project.

The purpose of this Notice of Preparation / Notice of Public Scoping Meeting is to obtain agency and the public's views as to the scope and content of the environmental information and analysis, including the significant environmental issues and reasonable alternatives and mitigation measures, that should be included in the draft EIR. Applicable agencies will need to use the EIR when considering related permits or other approvals for the Project.

The Project description, location, and potential environmental effects are discussed in the attached Scoping Document. Due to the time limits mandated by State law, written comments must be sent by **August 20, 2004**. Please send your comments at the earliest possible date to:

Valerie Van Way, Environmental Scientist  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825  
FAX: (916) 574-2274 E-mail: [vanwayv@slc.ca.gov](mailto:vanwayv@slc.ca.gov)

**NOTE:** You are encouraged to submit electronic copies of your comments in Microsoft WORD format. If comments are faxed or sent by e-mail, please also mail a copy to ensure that a clean copy is received by this office.

Pursuant to Section 15083, Title 14, California Code of Regulations, the CSLC will also conduct two public scoping meetings for the proposed Project to receive oral testimony at the time and place listed below:

**DATE:** August 9, 2004.  
**TIME:** 4:00 p.m. and 6:30 p.m.  
**LOCATION:** Contra Costa County Administration Building  
Board of Supervisors Conference Room, #107  
651 Pine Street  
Martinez, California

If you have any questions or would like a copy of this notice, please contact Valerie Van Way at the above address, by phone (916) 574-2274, or e-mail at [vanwayv@slc.ca.gov](mailto:vanwayv@slc.ca.gov). Copies of this Notice will also be available at the public scoping meeting and on the CSLC web page: [www.slc.ca.gov](http://www.slc.ca.gov) (under the "Public Notices" link).

Signature: \_\_\_\_\_  
Valerie Van Way  
Staff Environmental Scientist

Date: 7-21-2004

**NOTICE OF PREPARATION (NOP) SCOPING DOCUMENT  
FOR SHELL MARINE OIL TERMINAL NEW 30-YEAR LEASE  
ENVIRONMENTAL IMPACT REPORT (EIR)**

(Industrial Lease PRC 4980.1)

July 21, 2004

**1. Project Objective**

Shell Oil Products US (Shell), is seeking approval from the California State Lands Commission (CSLC) for a new 30-year lease to continue current transfer operations at its crude oil and petroleum product marine terminal (Shell Terminal). The project objective is to maintain Shell Martinez Refinery operational viability. The purpose of this project is to maintain viability by continuing current wharf operations at the Shell Refinery. This project to maintain wharf operations is needed in order to continue Refinery operations. Without the use of the wharf, the refinery would not be viable and would be shut down. The acquisition of this wharf lease is required for the continued operation of the facility.

**2. Project Location**

The Shell Terminal is located approximately 0.6 miles west of the Benicia-Martinez Bridge on the south side of the Carquinez Strait. Immediately to the east of it lies the Tesoro wharf (AMORCO). State lands comprise approximately 5.03 acres of the terminal site (See Figures 1, 2 and 3).

**3. Lease History**

Shell's petroleum refinery and associated marine terminal, tankage and support facilities were constructed between 1915 and 1994. The CSLC originally leased the marine terminal parcel to Shell Oil Company in 1948. In 1974 a new lease was issued (CSLC PRC 4980.1) for fifteen years with 3 ten-year renewal options. In July 1998, Shell Oil Refining Company reassigned its original ownership of the company to Equilon Enterprises LLC, along with CSLC Lease PRC4980.1, and the CSLC accepted this reassignment. In the current renewal option/application process Shell has requested the CSLC to issue a new 30-year lease.

**4. Description of Proposed Project**

The Shell wharf and refinery have occupied the current location since 1915, processing hydrocarbon fuels and asphalt with an approximate average throughput of 155,000 barrels per day. Shell leases 19.26 acres of sovereign public land from the California State Lands Commission for the marine terminal -- a barge and tanker petroleum loading/unloading facility. The wharf facility is capable of operating year-round 24 hours a day, although actual operation depends on shipping and business demands. Shell's refinery operations use 850 acres of privately owned upland property immediately south of the wharf.

The T-shaped terminal consists of a 1950-foot long, 40-foot average wide, concrete wharf, connected to shore by a 1900-foot elevated wooden trestle supporting a 16-foot-wide roadway. The pile-supported pipe rack, 40-foot wide, parallels this wharf approach roadway. The wharf docking facility provides four berths -- two berths (#1 and #2) on the outer (north), and two berths (#3 and #4) on the inner (south) side -- equipped with pumps, pipelines, electrical utilities and other mechanical equipment. The current displacement limitation for Berth #1 is 142,000 long tons (L/T) and for Berth #2, 115,000 L/T. A 1000-foot tanker can moor at Berth #1 while Berth #2 moors a smaller vessel. The north side of the wharf normally maintains a minimum draft of minus 38 feet mean lower low water (MLLW), and historically has not been dredged. Berths #3 and #4, normally used for loading and unloading barges, are currently not in use because of accumulated silt.

Transfers to and from ships occur through hydraulically-operated hoses located on the wharf. Nitrogen is pumped through to empty the hoses before uncoupling from the ship. Each hose has a tight seal shut-off valve. Two hoses transfer recovered vapors by 12-inch pipeline to an upland oxidizer unit.

Oil containment booms are stored on each end of the wharf structure. Oil spill equipment located on the wharf includes 700-feet of boom on each mooring dolphin, a spill response/boom deployment boat and a drum skimmer and collection bladder.

## **5. Permits and Permitting Agencies**

Shell asserts that its terminal currently meets all regulatory requirements, federal, state and local. Agencies that regulate existing operations and may regulate, approve or oversee aspects of the proposed Project, include but are not necessarily limited to:

- California State Lands Commission (CEQA lead agency)
- San Francisco Regional Water Quality Control Board
- San Francisco Bay Conservation and Development Commission
- California Department of Fish and Game
- US Coast Guard
- NOAA Fisheries (formerly called National Marine Fisheries Service)
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- Bay Area Air Quality Management District
- Contra Costa County
- City of Martinez

## **6. Scope of the EIR**

Pursuant to the State CEQA Guidelines section 15060, the CSLC staff conducted a preliminary review of the proposed Project. Based on the potential for significant impacts, an EIR was deemed necessary. Issues to be discussed in the EIR are

provided below. The EIR will also consider alternatives to the project including the No Project Alternative, as required by the CEQA. Additional issues and/or alternatives may be identified at the public scoping meeting, in written comments, or as part of the EIR process. We invite comments and suggestions on the following significant impacts proposed for discussion in the EIR.

## **6.1 Potentially Significant Impacts to be Addressed in the EIR**

The CSLC, acting as Lead Agency under the CEQA, has determined that: (1) there is a reasonable possibility of an oil spill occurring from the operation of the Shell Terminal loading facilities during the 30-year lease period; (2) such an oil spill could have a significant effect on the physical environment; and (3) other aspects of the project's operations could also have a significant effect on the environment.

Also provided are draft, proposed "Significance Criteria" (based on previous analyses of marine terminals and offshore loading facilities for which the CSLC has been the Lead Agency) that could be applied to each impact area. We invite comments and suggestions on these criteria.

### **6.1.1 Operational Safety / Risk of Accidents**

Certain aspects of the existing environment and structural integrity of the Shell Terminal facilities may impact operational safety, or may influence impacts from an accident associated with the operation of the offshore portion of the Shell Terminal, including the transportation of crude oil and petroleum products to and from the offshore facilities. Additionally, exchange of petroleum cargoes at a marine terminal presents an inherent risk of accidents that may involve fire, explosions and/or spills. The EIR will address the potential adverse health consequences e.g., exposure to toxic and hazardous substances, fire, explosions or spills in conjunction with continued use of the facility. The analyses will include:

- A review of past and present terminal, vessel and operational characteristics including: throughput quantities and mix; barge size, age and design; frequency of barge visits; terminal and barge personnel requirements; technological advances; terminal management practices; operational condition of the equipment on the barge; and oil spill response capabilities;
- Projection of transportation requirements for crude oil and operational characteristics;
- Evaluation of alternatives for meeting future oil transportation needs in the safest and least environmentally damaging manner;
- Analysis of existing and proposed federal, state and local laws, regulations, plans and policies affecting marine terminal location and operations;
- Determination of potential hazard/impact footprint of the Terminal
- Assessment and evaluation of the safety of terminal operations, both human and technological including condition of the chain and anchor systems, with particular consideration of the environment in which it operates; and

- Assessment of the potential risk of terminal related accidents resulting in an oil spill or other damage to the environment and identification of feasible steps for eliminating or minimizing that risk.

## **Significance Criteria**

A hazards and/or hazardous materials impact is considered significant if any of the following apply:

- If the existing facility does not conform to its oil spill contingency plans or other plans that are in effect; or if current or future operations may not be consistent with federal, state or local regulations. Conformance with regulations does not necessarily mean that there are not significant impacts;
- There is a potential for fires, explosions, releases of flammable or toxic materials, or other accidents from the Shell Terminal or from barges that could cause injury or death to members of the public;
- Existing and proposed emergency response capabilities are not adequate to effectively mitigate spills and other accident conditions.
- Continued operation of the project creates the need for one or more additional personnel to maintain the current level of fire protection and emergency response services.

Although the potential for oil or product spills will be discussed in this section, the potential impact of spills will also be analyzed in other, appropriate resource-related Sections e.g., Biological Resources, Water Quality, Commercial and Sports Fisheries, Land Use and Recreation.

### **6.1.2 Geological Resources**

The Shell Terminal is located in proximity to several active faults. The facility would be susceptible to damage as a result of an earthquake on these nearby faults. Extension of the life of the existing facility could result in oil spills due to seismically induced ground failure or other geologic hazards, such as corrosion or excessive coastal erosion. Remediation of such spills would, in turn, potentially cause water quality impacts to Suisun Bay and San Francisco Bay.

## **Significance Criteria**

Seismic effects could result in significant hazards to structures when not properly accounted for in facility design or construction. Impacts are considered significant if any of the following conditions apply:

- Settlement of the soil that could substantially damage structural components of the wharf;
- Ground motion due to a seismic event that could induce liquefaction, settlement, or a tsunami that could damage structural components;



- Deterioration of structural components of the wharf due to corrosion, weathering, fatigue, or erosion that could reduce structural stability;
- Increase in loading conditions, vessel size, or number of vessels that could overstress the existing facilities and reduce the structural stability of the wharf; or
- Damage to petroleum pipelines and/or valves along the pipeways from any of the above conditions that could release crude oil into the environment.

### **6.1.3 Water Quality**

The EIR will analyze the potential of impacts to water quality and to water column chemistry, in the Carquinez Strait, during Shell Terminal operations and from oil spills. The significance of impacts will be considered in the context of whether Shell Terminal operations would likely result in pollutant levels above ambient water quality and sediment levels that would exceed water quality objectives of the S.F. Bay Regional Water Quality Control Board or the State Water Resources Control Board.

The potential for accidental discharge into surface waters as crude oil flows between the refinery and the offshore terminal and is transported to and from the Shell Terminal by marine vessels will be examined. Oil spills could result from geologic hazards, mechanical failure, structural failure, or human error. Such spills could potentially result in water quality impacts to Carquinez Strait, Suisun Bay, San Francisco Bay, and the Pacific Ocean. Potential impacts to the marine environment include increased water column turbidity and the introduction of toxic contaminants into the water column. The EIR will analyze the potential for impacts from such accidents on water quality and marine organisms.

### **Significance Criteria**

Impacts to marine water quality are considered significant if any of the following apply:

- The water quality objectives contained in the Water Quality Control Plan for the San Francisco Basin are exceeded;
- The water quality objectives in the California Ocean Plan are exceeded;
- The water quality criteria in the California Toxics Rule are exceeded;
- Project operations or discharges that change background levels of chemical and physical constituents or elevate turbidity producing long-term changes in the receiving environment of the site, area, or region, thereby impairing the beneficial uses of the receiving water occur; or
- Contaminant levels in the water column, sediment, or biota are increased to levels shown to have the potential to cause harm to marine organisms even if the levels do not exceed formal objectives in the Water Quality Control Plan.

### **6.1.4 Biological Resources**

The area surrounding the wharf contains diverse and rich assemblages of resident marine flora and fauna. Issues associated with the lease for the Shell Terminal include:

- Its potential adverse effects on the on- and offshore environments in the event of an accidental oil spill or subsequent clean up activities, as well as fisheries losses resulting from discharge, oil spills, vessel traffic or conflicts with vessels;
- The potential for introduction of harmful, non-indigenous species into the surrounding marine environment; via ballast water discharge or hull fouling; and
- The potential for continued vessel traffic serving the terminal to, over time, cause deterioration of existing fish or wildlife habitats.

## **Significance Criteria**

An impact on biological resources will be considered significant if any of the following apply:

- Any part of the population of a threatened, endangered, or candidate species is directly affected or if its habitat is lost or disturbed;
- A net loss occurs in the functional habitat value of: a sensitive biological habitat, including salt, freshwater, or brackish marsh; marine mammal haul-out or breeding area; eelgrass; river mouth; coastal lagoons or estuaries; seabird rookery; or Area of Special Biological Significance;
- The movement or migration of fish or wildlife is impeded; or
- A substantial loss occurs in the population or habitat of any native fish, wildlife, or vegetation or if there is an overall loss of biological diversity. Substantial is defined as any change that could be detected over natural variability.

### **6.1.5 Commercial and Sports Fisheries**

The marine resources in the Suisun Bay and San Francisco Bay support commercial, recreational and sports fisheries.. Routine operations, spills, and other accidents would affect these activities. In addition, continued vessel traffic serving the Shell Terminal has the potential, over time, to cause deterioration of existing fish or wildlife habitats, thereby affecting commercial, sports and recreational fishing.

## **Significance Criteria**

An impact to commercial and sport fisheries would be considered significant if:

- Project activities temporarily reduce any fishery in the vicinity by 10 percent or more during a season, or reduce any fishery by 5 percent or more for more than one season;
- Project activities affect kelp and aquaculture harvest areas by 5 percent or more; or
- Harvesting time is lost due to harbor closures, impacts on living marine resources and habitat, and equipment or vessel loss, damage, or subsequent replacement.

### **6.1.6 Land Use and Recreation**

Continued use of the Shell Terminal may have effects on existing and planned land uses in the area, including existing and potential shoreline and water-related recreational use.

### **Significance Criteria**

Land use/recreational impacts will be considered significant if the project would result in the following:

- Conflicts with existing or known future land uses, or adopted land use plans, policies, or ordinances;
- Result in conflicts with planning efforts to protect the recreational resources of the project area;
- Incompatible adjacent land uses as defined by planning documentation; or
- Residual impacts on sensitive shoreline lands, and/or water and non-water recreation due to a release of oil.

#### **6.1.7 Air Quality**

Air emissions from the Shell Terminal are regulated by the Bay Area Air Quality Management District (BAAQMD). The environmental analysis of the proposed project will evaluate emissions estimates against applicable significance criteria and in accordance with the BAAQMD Guidelines and permits. The EIR will analyze:

- The sources of emissions that would be associated with the project, including dredging operations, the types and amounts of different pollutants that could be emitted, and their duration of impact;
- Increases in emissions from projected vessel traffic and best estimate of throughput; and
- Potential impacts and mitigation measures associated with odor and toxic air contaminant emissions.

### **Significance Criteria**

The air quality impacts of the Proposed Project would be significant if:

- Shell Terminal operations fail to comply with any condition of the BAAQMD Permit to Operate.
- Non-permitted emissions could have a significant, adverse impact if they:
  - Contribute to an exceedance of localized carbon monoxide emissions in excess of the California Ambient Air Quality Standard (CAAQS) i.e., 20 parts per million (ppm) for 1 hour or 9 ppm for 8 hours;
  - Result in emissions which exceed the following emission thresholds:
    - Reactive Organic Gases (ROG), 15 tons/year, 80 lbs/day,
    - Nitrogen Oxides, 15 tons/year, 80 lbs/day, and
    - PM10 Particulates (suspended particulate matter 10 microns or less in

- diameter), 15 tons/year, 80 lbs/day;
- Allow uses that create objectionable odors that would be considered a nuisance under a BAAQMD rule or regulation.
- Expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants or objectionable odors; or
- Potentially result in the accidental release of acutely hazardous air emissions.

### **6.1.8 Noise**

The operation of the Shell Terminal produces stationary sources of noise associated with normal loading operation of vessels and other routine terminal operations such as noise generated by various pumps and operation of the vapor recovery system.

#### **Significance Criteria**

A noise impact is considered to be significant if:

- The project noise level, timing or duration exceed a local noise ordinances, or any applicable noise regulations promulgated on the state or federal level, including:
  - The Contra Costa County General Plan Noise Element maximum CNEL for Industrial land uses of 75 dBA;
  - The City of Martinez noise ordinance standard for industrial area offsite noise limit of 70dBA
- The project would increase the ambient noise level above ordinance-specified limits by more than 5 dBA (substantial increase), or by 3 dBA in areas already exceeding ordinance-specified limits

### **6.1.9 Vehicular and Rail Transportation**

The Project is not expected to have significant effects on transportation or circulation in the area. However, the potential for impacts associated with routine operations and accident conditions during the transport of product for one or more of the alternatives will be examined.

#### **Significance Criteria**

Traffic impacts would be considered significant if any of the following apply:

- Project traffic or construction of the alternative must use an access road already at or exceeding Level of Service (LOS) E or brings a roadway down to LOS E;
- Project traffic or construction of the alternatives would result in a substantial safety hazard to motorists, bicyclists, or pedestrians;
- The proposed Project or construction of alternatives would restrict one or more lanes of a primary or secondary arterial during peak-hour traffic, thereby reducing its capacity and creating congestion; and/or

- Project implementation results in insufficient parking.

### **6.1.10 Cultural Resources**

The CEQA Guidelines (Section 15064.5) define “historical resources” as follows:

Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in the light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource has integrity and meets the criteria for listing on the California Register of Historical Resources as follows:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (B) Is associated with the lives of persons important in our past;
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (D) Has yielded, or may be likely to yield, information important in prehistory or history.

### **Significance Criteria**

Thresholds of significance for cultural resource impacts for the project are defined as situations where construction or operation of the project could:

- Result in damage to, the disruption of, or adversely affect a property that is listed in the California Register of Historical Resources (CRHR) or a local register of historical resources as per Section 5020.1 of the Public Resources Code.
- Cause damage to, disrupt, or adversely affect an important prehistoric or historic archaeological resource such that its integrity could be compromised or eligibility for future listing on the CRHR diminished.
- Cause damage to or diminish the significance of an important historical resource such that its integrity could be compromised or eligibility for future listing on the CRHR diminish.

### **6.1.11 Environmental Justice**

The CSLC developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. This policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs which is implemented, in part, through identification of, and communication with, relevant populations that could be

adversely and disproportionately impacted by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations.

This portion of the EIR will analyze the distributional patterns of high-minority and low-income populations on a regional basis. The analysis will focus on whether the proposed Project's impacts will have the potential to affect area(s) of high-minority population(s) and low-income communities disproportionately, thereby creating an adverse environmental justice impact.

### **Significance Criteria**

An environmental justice impact would be considered significant if the proposed Project would:

- Have a potential to disproportionately impact minority and/or low-income populations at levels exceeding the corresponding medians for Contra Costa County, where the project is located; or
- Result in a substantial disproportionate decrease in the employment and economic base of minority and/or low-income populations residing in Contra Costa County and/or immediately surrounding cities.

## **6.2 Cumulative Projects**

Although vessels in transit are not a responsibility of Shell Terminal, an accidental spill/release of oil in the area could occur. Therefore, in accordance with the CEQA section 15130, the EIR will discuss the cumulative impacts of the proposed Project, considering the potential for repeated or buildup of other combined activities associated with continued operations over time, and address the likelihood of occurrence and severity of the potential impacts. The EIR will discuss other marine terminals operating in the area, and foreseeable projects in the general vicinity.

## **6.3 Preliminary Listing of Alternatives To Be Addressed in the EIR**

The development of this portion of the EIR will utilize an alternative screening analysis which will: evaluate a reasonable range of alternatives, provide the basis for selecting alternatives that are feasible and reduce significant impacts associated with the proposed Project, and provide a detailed explanation of why other alternatives were rejected from further analysis.

The alternatives analysis may, in addition to the No Project Alternative, identify one or more of the following for further development. However, these are not to be considered a final determination of feasible alternatives that would be analyzed in the EIR.

### **6.3.1 No Project/No Action Alternative**

Under the No Project Alternative, Shell Terminal's lease would not be renewed and the existing marine terminal would be abandoned in place or removed. A decision to

remove or abandon the marine terminal will be the subject of a subsequent application to the CSLC and subject to appropriate environmental review. Crude oil would be transported via existing onshore pipelines and through other Bay Area marine terminals.

For the purposes of this EIR, potential impacts of decommissioning are to be discussed only briefly. A decision to remove or abandon the Terminal would be the subject of a subsequent application to the SCLC with appropriate environmental review.

### **6.3.2 Construct a New Pipeline Alternative**

The impacts associated with transporting crude oil to the Shell Refinery facilities via a newly constructed pipeline will be evaluated.

### **6.3.2 Use Existing Pipelines Alternative**

The impacts associated with transporting crude oil to the Shell Refinery facilities through use of restored or existing pipelines will be evaluated.

### **6.3.4 Rail Transportation Alternative**

The impacts of transporting crude oil using rail transportation may be assessed. This alternative would review proximity to existing rail lines and the impact of handling facilities construction.

**Figure 1. Shell Martinez Marine Oil Terminal Project Location**

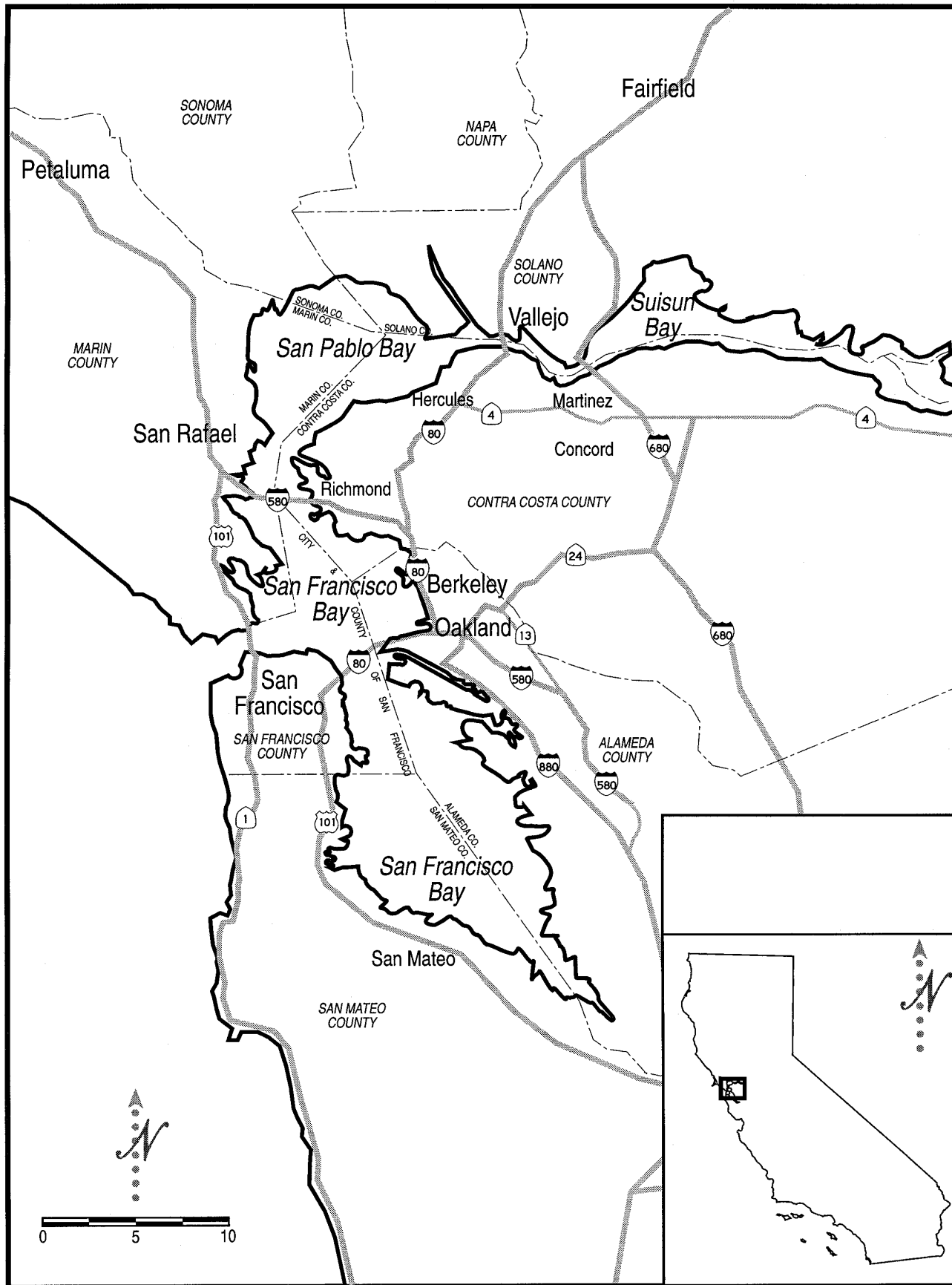




Figure 2. Shell Terminal Project Site - Topographic Map, Martinez Quad

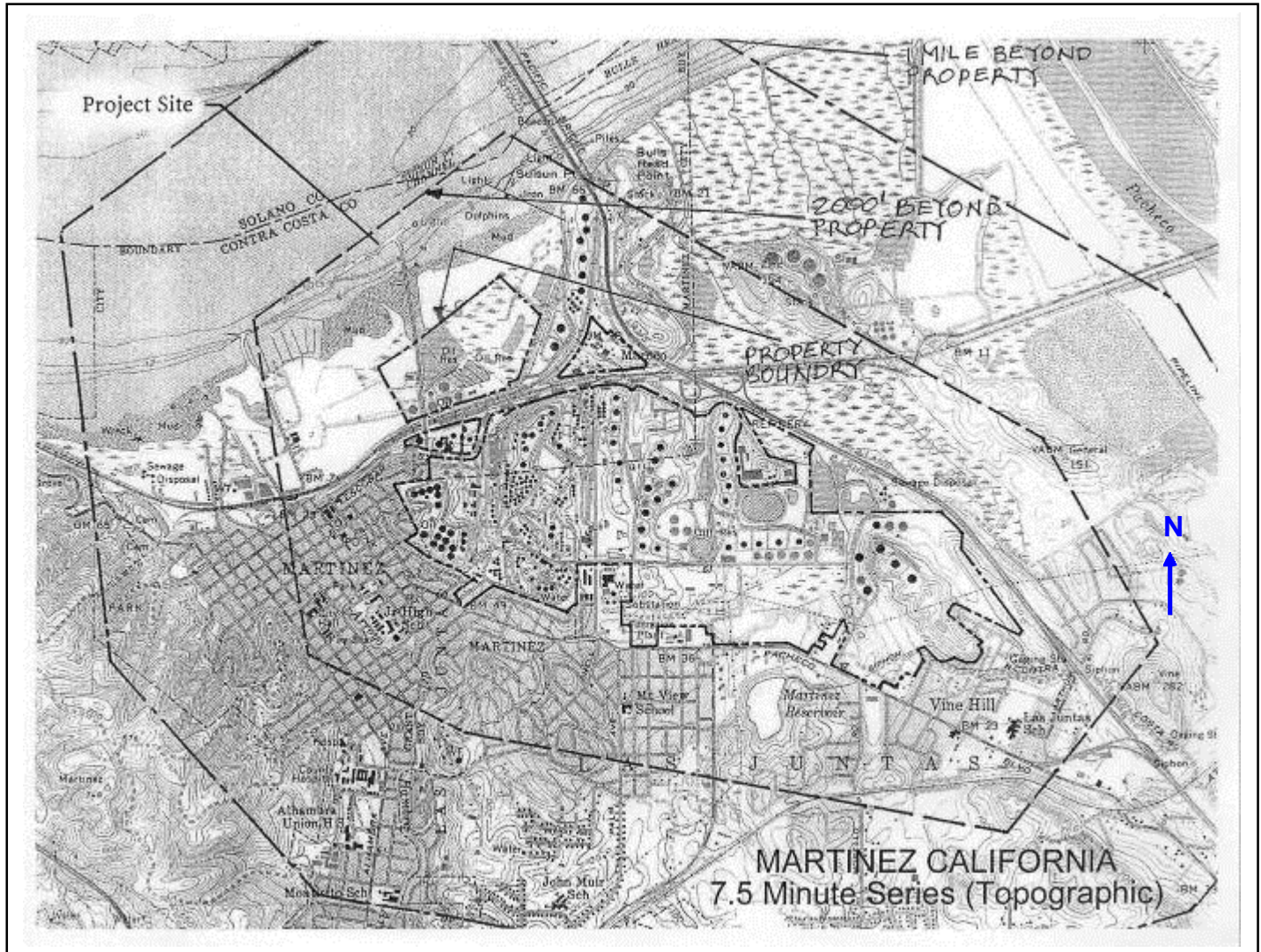




Figure 3. Aerial Map, Shell Martinez Terminal



## Letters Received and Transcript From Scoping Period

Table A-2 lists one commenter who submitted a written letter, and three individuals who spoke at the public meeting whose comments are included in the NOP transcript. Based on Table A-2, each comment set is immediately followed by the location where each individual comment is addressed in the Draft EIR.

**Table A-2**  
**NOP Commenters and Comment Set Numbers**

<b>Agency /Affiliation</b>	<b>Name of Commenter</b>	<b>Date of Comment</b>	<b>NOP Comment Set</b>
<b>Written Comment Letters</b>			
Co-Chair, Conservation Committee Mt. Diablo Group of the SF Bay Chapter, Sierra Club	Edgar Mendelsohn	8/20/04	1
<b>Comments Contained in August 9, 2004 Scoping Meeting</b>			
	Mr. Wainwright	8/9/04	2
	Mr. Barker	8/9/04	3
	Mr. Platt	8/9/04	4
	Mr. Platt	8/9/04	5
	Mr. Barker	8/9/04	6
	Mr. Barker	8/9/04	7
	Mr. Wainwright	8/9/04	8
	Mr. Platt	8/9/04	9

**Edgar Mendelsohn, Conservation Committee Co-Chair**

**Mount Diablo Group of the SF Bay Chapter, Sierra Club**

**108 Barrett Court, Danville, CA 94526**

**Phone(925) 837-4783 email: [edgarmd@earthlink.net](mailto:edgarmd@earthlink.net)**

August 20, 2004

California State Lands Commission

100 Howe Avenue, Suite 100-South

Sacramento, CA 95825

**Subject: Shell Oil proposed new 30 year lease in Martinez**

The Shell Corporation lease of State of California land located between the Martinez/Benicia Bridge and public lands in north Martinez adjacent to the Carquinez Strait (to the west of the bridge) is up for renewal. The National Sierra Club has notified our group (into whose area this matter falls) of this event and encouraged us to submit written comments.

Our group met last night to consider this matter. There appear to be serious issues concerning toxic emissions into air and water. We do not have the expertise to address these issues but encourage others to pursue them. On a more narrow focus, discussions revealed that all of us look at the present alignment of the Bay Trail in east Martinez along Marina Vista as highly undesirable. That alignment is both dangerous and unpleasant. We believe that if there is a new lease then, at a very minimum, it should make provisions for relocating that segment of the Bay Trail onto the land near the water which is presently leased by Shell.

We also point out that the Martinez/Benicia Bridge is presently being rebuilt and that the new span will provide a special path for pedestrians and bikers. A solution should be found to make a safe connection between that path and the before mentioned public lands in north Martinez. Furthermore, plans exist to extend the Iron Horse Trail - whose northern terminus is presently Highway 4 - and link it up with the Bay Trail near the bridge. Note that the Iron Horse Trail (operated by the East Bay Regional Park District EBRPD) is presently EBRPD's most used park and will further increase in significance once that connection is made.

Hopefully other organizations have already submitted their comments together with more detailed suggestions. We support those solutions as long as there will be a more desirable connector between the bridge and public lands to the west of it. We strongly believe that the Marina Vista segment of the Bay Trail must be replaced.

Sincerely;

Edgar Mendelsohn, Co-Chair, Conservation Committee  
Mt. Diablo Group of the SF Bay Chapter, Sierra Club

## **COMMENT SET 1**

1a. There appear to be serious issues concerning toxic emissions into air and water.

1b. We believe that if there is a new lease then, at a very minimum, it should make provisions for relocating that segment of the Bay Trail onto the land near the water which is presently leased by Shell.

## **RESPONSE TO COMMENT SET 1**

1.a Air emissions are presented in Section 4.6, Air Quality, and toxic contaminants in water is presented in Section 4.2, Water Quality.

1b. The issue of provisions of relocation of the Bay Trail is addressed in Section 4.5, Land Use and Recreation.

MEETING  
STATE OF CALIFORNIA  
LANDS COMMISSION

CONTRA COSTA COUNTY ADMINISTRATION BUILDING  
BOARD OF SUPERVISORS CONFERENCE ROOM NUMBER 107  
651 PINE STREET  
MARTINEZ, CALIFORNIA

MONDAY, AUGUST 9, 2004  
6:30 P.M.

MICHAEL MAC IVER  
SHORTHAND REPORTER

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

Valerie Van Way, State Lands Commission

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345



## PROCEEDINGS

ENVIRONMENTAL SPECIALIST VAN WAY: Good evening.

We will open this public meeting. This is a scoping meeting to provide interested parties and the applicant an opportunity to comment on the scope of the Proposed Environmental Impact Report which the State Lands Commission will prepare for consideration of lease renewal for the Shell Marine Oil Terminal in Martinez.

I'm Valerie Van Way with the State Lands Commission, Project Manager responsible for the Environmental Impact Report for consideration of the Shell Marine Oil Terminal lease renewal.

Other Commission staff here today are Nancy Smith, from our Land Management Division and Ken Lowridge from our Marine Facilities Division. And, in addition, Mike Mac Iver from Peters Reporting is here to record the meeting.

And from Shell Oil Products US, we have Gordon Johnson. He is available to answer any technical questions about the Shell wharf and its operations.

If you have signed the sign-in sheet at the back table, it will help us record attendance at this meeting.

The State Lands Commission will mail to you a Notice of Availability when the Draft EIR is circulated for public review. The time and location of additional hearings on this EIR, and also any other environmental processes

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1 undertaken for other state lands being managed in this area.

2 Extra copies of the Notice of Scoping Hearing, the  
3 Notice of Preparation, and Statements of Interest are  
4 available at the table.

5 If you are interested in speaking at today's  
6 meeting, please fill out the yellow information slip at the  
7 back table and bring it to me. I have three at this time.  
8 Is there anyone else?

9 The State Lands Commission is the lead agency  
10 under the California Environmental Quality Act and will  
11 prepare this document. Other agencies reviewing and  
12 commenting on it include the city and county planning  
13 departments, the Bay Area Air Quality Management District,  
14 the San Francisco Bay Area Regional Water Quality Control  
15 Board, the Bay Community and Development Commission, the  
16 California Coastal Commission, the California Department of  
17 Fish and Game, the Coastal Conservancy, and others.

18 The testimony we're interested in receiving this  
19 evening involves the project's potential environmental  
20 impacts, significance criteria, mitigation measures, and  
21 project alternatives that you would like to see considered  
22 in the Environmental Impact Report. We would appreciate it  
23 if you would limit your testimony to these issues.

24 I would like to direct your attention to the  
25 Notice of Preparation, copies have been handed out. The

1 Notice of Preparation was circulated for public review on  
2 July 21, 2004. There is a 30-day public review and comment  
3 period which will end August 20th, 2004. All written  
4 comments need to be received at the State Lands Commission  
5 address.

6 The Draft EIR will append comments and indicate  
7 where the issues are addressed in response to comments,  
8 mailed or faxed or e-mailed into the State Lands Commission.  
9 The Draft Environmental Impact Report will include all  
10 comments generated during this hearing.

11 All persons requesting notification of the  
12 issuance of the Draft EIR and similar proposed actions  
13 within the area will be alerted so that they may have the  
14 opportunity to present to the State Lands Commission their  
15 comments on the Draft EIR.

16 Before hearing comments, the applicant's  
17 representative, Gordon Johnson, will provide a brief  
18 overview about this project, reading from the Notice of  
19 Preparation and will try to answer any specific requests  
20 that you may have. Then I will read more information about  
21 the proposed project's Statement of Interest. And after  
22 these introductory briefings, we'll start going down the  
23 comments with requests in the order received and those who  
24 have given them.

25 Gordon.

1           MR. JOHNSON: Hi, I'm Gordon Johnson, I work in  
2 the Environmental Affairs Department at Shell next door  
3 here. And I'm just going to read off of our Project  
4 Objective and an overview of the facility itself, just to  
5 give you guys an idea of what we're talking about here.

6           Shell is seeking approval from the State Lands  
7 Commission for a new 30-year lease to continue current  
8 transfer operations at our crude oil and petroleum product  
9 marine terminal. The purpose of this project is to maintain  
10 viability by continuing current wharf operations at the  
11 refinery. This project to maintain wharf operations is  
12 needed in order to continue refinery operations. Without  
13 the use of our wharf, the refinery would not be viable and  
14 would most likely be shut down.

15           A description of the project. The Shell wharf and  
16 refinery have occupied its current location since 1915. The  
17 refinery produces hydrocarbon fuels such as gasoline and  
18 asphalt and other products and we average an approximate  
19 throughput of approximately 155,000 barrels a day crude.

20           Currently we're leasing approximately 20 acres of  
21 public land from the State Lands Commission for the  
22 terminal. The terminal takes both barges and tankers and is  
23 both a loading and unloading facility. And the terminal is  
24 capable of operating year round, 24 hours a day, although  
25 actual operation varies depending on the business and

1 shipping demands out there.

2           The refinery itself you guys are familiar with,  
3 this is an aerial overview. The city of Martinez obviously  
4 right here. And this is where the bulk of the gasoline  
5 producing units are. All those units, there are pipelines  
6 that deliver product from all of these units down to the  
7 wharf area. And also accordingly, there is raw materials  
8 such as crude oil that are piped up from the wharf up to  
9 this area.

10           The wharf itself is this T-shaped structure which  
11 is located right here. What you've got is an approximately  
12 2,000 foot wharf, it's about 40 feet wide.

13           There are four berths that we currently have.  
14 Berths 1 and 2 are on the north side on the outside of the  
15 Carquinez Straight, on the north side. Berths 3 and 4 are  
16 barge berths and they currently are not being used because  
17 they have basically been silted in over time and we would  
18 have to dredge them in order to use them again. Berths 1  
19 and 2 are the berths we are currently using full time.

20           And, in addition, there's an approach to the  
21 wharf, which is this roadway, this trestle here. There's  
22 both a road here, it's about 20 feet wide, as well as a  
23 parallel pipe road, it has the two from pipes that bring  
24 material from the wharf to the facility and vice-versa.

25           Also at the end of each wharf are containment

1 booms that contain booms in case of an oil spill. Each one  
2 of these has approximately 700 feet of boom in case of an  
3 oil spill. We have located there at the boat house a spill  
4 response boom deployment boat, and also we have a series of  
5 boats that we store at the marina as well. We also have a  
6 drum skimmer and a collection bladder to collect oil.

7 And that's really all I have in terms of this  
8 brief overview. I don't know if anyone has any questions.

9 Yes.

10 MR. WAINWRIGHT: In the materials that we were  
11 provided, I notice that in the past the leases were for ten-  
12 year periods renewal. Why are we going now for 30 years?

13 MR. JOHNSON: That's a good question. And, Val, I  
14 don't have the history behind it. I know we had several ten  
15 year renewals. And I think the original was 30 years; is  
16 that correct?

17 ENVIRONMENTAL SPECIALIST VAN WAY: Yes. It was --  
18 we have Nancy Smith here who works with the leases, but I  
19 think the original leases were renewable on ten-year  
20 intervals.

21 MS. SMITH: Yes. There are 15 years, and we have  
22 three ten-year agreements. The 30-year lease does have --  
23 you are forced to look back for rent review in terms of  
24 inflation and we are also looking for a real environmental  
25 review, some concerns come up on a ten-year period.

1 ENVIRONMENTAL SPECIALIST VAN WAY: This is the  
2 first time that we've actually really gone through a  
3 thorough environmental review process which we're requiring  
4 now on all of our marine oil terminals at time of lease  
5 renewal. We've conducted EIR for the Unocal, which is now  
6 the Conoco-Philips. We're in process with the Richmond long  
7 wharf and we just have been finishing up on Shore Martinez  
8 Terminal. We're now beginning to complete some of the other  
9 remaining leases, as their time has come for renewal. This  
10 is our opportunity now to get on board and bring on some of  
11 the environmental safety provisions and mitigation measures  
12 that have not been implemented yet.

13 MR. WAINWRIGHT: I have another question. I was  
14 wondering if the impacts, the environmental impacts, would  
15 vary during the use and I was wondering what Shell  
16 anticipates in the way of use changes and use over the next  
17 say 10 to 20 years?

18 MR. JOHNSON: Right now, I don't know of any.  
19 Right now we take in crude oil and we also take products  
20 out, and that varies depending on where the materials are  
21 going. But right now I don't know of any foreseeable  
22 changes in our current use of the wharf. I know, for  
23 instance, if we were to change the wharf facilities  
24 dramatically, not only would it impact this lease, but it  
25 would also have to be covered by the Bay Area Air Quality

**COMMENT SET 2 – Mr. Wainwright, lines 13-17**

1. What change would occur over 10-20 year period. (Note lease renewal application has been changed to 30-year period.

**RESPONSE TO COMMENT SET 2**

1. Changes regarding the future operation of the Shell terminal are addressed in Section 2.0, Project Description, Section 2.3.4, Volumes, and Types of Materials Handled and Vessel Calls.



1 Management District, because they oversee -- there are a  
2 series of pumps here, and you have a marine vehicle with  
3 oxidizer. So all of that would have to be looked at really  
4 hard if we were to change capacity of the wharf right now.

5 MR. BARKER: I was just wondering if you plan to  
6 dredge those berths as you're getting the lease?

7 MR. GORDON: Right now, we don't have any business  
8 plans to ever dredge those Berths 3 and 4, although we may  
9 at some point. Much of that would fall under the purview of  
10 the Army Corps of Engineers for the dredging permits, et  
11 cetera, et cetera. But right now we don't have any plans,  
12 although that may change.

13 MR. PLATT: Hi, I'm Tim Platt. And Bob and Bill  
14 have taken the good questions. But I was a little confused  
15 about the lease term. In the packet it says that there's an  
16 initial 15-year lease and then three ten-year renewal  
17 options, which would put the end of that period out in 2019.  
18 And so I guess I am a little confused about why that there  
19 have been implications to sort of in the middle of that  
20 option period to move to a 30-year lease, rather than just  
21 do the option --

22 MS. SMITH: We're going to that because that's  
23 what we're doing with all the terminals and we're treating  
24 every terminal the same with our agency. Chevron's EIR has  
25 been approved and so they will get a new lease. Theirs

**COMMENT SET 3 – Mr. Barker, lines 5-6**

I was just wondering if you plan to dredge those berths.

**RESPONSE TO COMMENT SET 3**

Section 2.0, Project Description, makes the assumption that Berths #3 and #4 would be dredged over the lease period. Section 4.2, Water Quality, addresses the impacts.

**COMMENT SET 4 – Mr. Platt, lines 13-21**

Lease period.

**RESPONSE TO COMMENT SET 4**

The lease period is 30-years. This is presented in Section 2.0, Project Description.

1 actually expired, but in talking and in negotiations with  
2 Shell and everybody we offered okay, instead of doing the  
3 renewal periods, we'll give you a 30-year lease now instead  
4 of ten years come back to us. And we are doing a different  
5 lease that has a lot more criteria in it.

6 MR. PLATT: Okay. And so it's driven actually by  
7 the authorizing agencies?

8 MS. SMITH: Yes.

9 MR. PLATT: I understand. And the other question  
10 is you talked a little bit about the dredging of the south  
11 berths. Are there plans for expansion at all? It would  
12 seem to me the refinery is going to be picking up some of  
13 the Bakersfield use, it's going to be shut down and whatnot,  
14 so there's going to be more coming out of the refinery. Is  
15 there any plan to expand the ability to move the oil based  
16 on that?

17 MR. JOHNSON: That's a good question. These are  
18 approximate numbers, but right now I would say the crude oil  
19 that we process at the refinery, approximately 90 percent of  
20 it comes from the valley. It comes from the San Joaquin  
21 Valley, and ten percent of it, plus or minus, comes from  
22 across the wharf. So we bring in crude from overseas, from  
23 Ecuador, from Mexico, et cetera. And what's been happening  
24 is as the San Joaquin fields have been drying up, we've been  
25 bringing in some more crude from, I mean I would say maybe

**COMMENT SET 5 – Mr. Platt, lines 9-16**

Plans for expansion

**RESPONSE TO COMMENT SET 5**

The number of vessels assumed that could be handled annually over the lease period is presented in Section 2.0, Project Description.

1 two to five percent more crude, from overseas. And by  
2 shutting down the Bakersfield refinery, we will now be full  
3 of SJV Crude and we will more than likely be reducing the  
4 amount of crude coming over the wharf.

5 The refinery we have here is designed to run  
6 California crude, and the economics are such that that's  
7 what we also want to run. Any crude that we bring in from  
8 overseas, we take an economic hit because they cost more,  
9 there's more to transport, and it's a different blend of  
10 crude oil so it's slightly different. It's not a crude that  
11 the plant was built to run.

12 So one of the biggest reasons I understand for  
13 shutting down Bakersfield was to keep this refinery full of  
14 California crude and that's what we're doing. And I think  
15 even then that at some point those fields will dry up. So I  
16 don't know if that's 20 years, or I mean at some point.

17 ENVIRONMENTAL SPECIALIST VAN WAY: We've  
18 established, just before we circulated the Notice of  
19 Preparation, we established the last five years of handle of  
20 petroleum across the wharf, and that's reported in the  
21 project description which is available on the internet, and  
22 the number of vessel calls average per year over the last  
23 five years. So one of the questions that will be asked will  
24 be what are the anticipated differences, be it an increment  
25 or decrement, are they within range. And that we plan to

1 ask and answer in the discussion.

2 Well, I don't think there are any more questions  
3 for the moment. If so, I would like to proceed then with  
4 the comments and to start with you Bill Wainwright?

5 MR. WAINWRIGHT: If you don't mind, I prefer that  
6 Robert Barker start.

7 ENVIRONMENTAL SPECIALIST VAN WAY: Rob Barker. Do  
8 you want to stand up at the podium.

9 MR. BARKER: Okay. For the record, I'm Dr. Robert  
10 Barker. I'm a toxicologist. I was born here in Martinez  
11 and I have a long history with Shell and the Shell dock. My  
12 father was a chief engineer on a tanker for Keystone which  
13 delivered oil to that port. And I'm an avid boater and  
14 sailor myself. I have a teaching credential in celestial  
15 navigation. I just mention these things so that a few of my  
16 comments are not just as a casual observer.

17 One of the things that I have noticed as being a  
18 30-year user at the marina is ships and tugs generate a lot  
19 of turbulence in the water way out there and a lot of it  
20 comes right into the marina. I can't give you a number  
21 percentagewise or tonnagewise how much of the silt goes into  
22 the marina from these activities, but it is a significant  
23 amount. And I don't think it's the greatest amount, the  
24 largest amount just comes from the runoff from up in the  
25 valley.

**COMMENT SET 6 – Mr. Barker – lines 17-25**

1. Turbulence

**RESPONSE TO COMMENT SET 6**

1. The issue is discussed in Sections 4.2, Water Quality and 4.3, Biological Resources

1           The other thing that causes silting and erosion of  
2 levees is the speed that these ships travel. If somehow we  
3 could tie in a speed limit for these tankers and maybe even  
4 a place where we could publish their transit times so that  
5 boaters have an idea of when traffic is expected. I mean  
6 sailors and small boaters are the first to not understand  
7 how to behave around a large tanker, thinking that if they  
8 have the right-of-way, they're right. Not so.

9           I would like to see some of the marina expenses  
10 borne by Shell, because Shell does use this marina  
11 considerably. They have their rapid response craft down  
12 there and they're using berths. And I understand that even  
13 some of them during low tides, some of the boats are moved  
14 out of their berths so that these response boats can have a  
15 berth that's not silted in. At low tide, nothing is going  
16 to leave this marina if it's a minus tide. And in talking  
17 to some of the crews down there, they're trying to tie in to  
18 a 30-minute response time if there's an oil spill.

19           I will say that Shell has been a very good  
20 neighbor. When they have had one of these unpleasant and  
21 unfortunate events, they have come right up to the plate and  
22 done everything that they can for the boaters out there.  
23 But they are still using the marina and its resources, and I  
24 think that they need to pay a little bit more for that.

25           And if there's no questions to my comments, that's



**COMMENT SET 7 – Mr. Barker – lines 1-24**

1. Silting and erosion

**RESPONSE TO COMMENT SET 7**

1. The issue is discussed in Sections 4.2, Water Quality.

1 all I have. Thank you.

2 ENVIRONMENTAL SPECIALIST VAN WAY: Thank you.

3 MR. WAINWRIGHT: Bill Wainwright, long-time  
4 Martinez resident, member of the Martinez City Council. I'm  
5 speaking on my own behalf, not on the behalf of the City,  
6 but as an elected representative both, but I know the people  
7 here in Martinez.

8 And I'd like to reinforce what Mr. Barker said  
9 about concerns regarding siltation, the stirring up, the  
10 turbulence of the water as a result of the prop wash from  
11 the tugs and the tankers as they pass by the Martinez Marina  
12 opening.

13 And the concern that the emergency response  
14 vehicles, the boats, are harbored in the marina which has  
15 the worse problem of siltation that exists anywhere, and  
16 which could constrain them from reacting quickly in a very  
17 low tide.

18 And it would be useful, I think, if the City of  
19 Martinez and Shell were able to work out an arrangement  
20 where it would be less onerous on the City every year to  
21 fund the dredging. We're facing, Martinez, as many other  
22 cities, a real crisis in terms of finance. And where you  
23 come from, Sacramento, is not helping things. We've had to  
24 dip into our reserves quite a bit in the last year. Within  
25 another two or three years we won't have any -- we've been

**COMMENT SET 8 – Mr. Wainwright – lines 8-17**

1. Siltation, turbulence and prop wash, and emergency response vessels.

**RESPONSE TO COMMENT SET 8**

1. The issue is discussed in Sections 4.2, Water Quality.

1 paying for dredging out of those reserves and it would be  
2 nice if we could have a sharing not only with Shell, but I  
3 think Tesoro just up the street from the Shell dock. And it  
4 would be interesting to see the degree to which the traffic  
5 on the other side of the bay in Benicia might also have some  
6 kind of problem of stirring up silt. And I have been told  
7 by people who use this facility, the marina, that there's a  
8 strange attraction of silt into the Martinez Marina, it's  
9 almost as if it's sucked into it by the currents. And so  
10 when you stir things up upstream or out on the front of the  
11 main opening, it comes right in.

12 That's all I wanted to say.

13 ENVIRONMENTAL SPECIALIST VAN WAY: Do you have an  
14 idea of how many yards are moved every year and what  
15 frequency?

16 MR. WAINWRIGHT: No. I'm sure the City could give  
17 you -- just this last year, I believe it was 300,000, maybe  
18 \$250,000 were spent on dredging just the fairways, we  
19 weren't able to do the berths. So if the berths, the slip  
20 holders are a little bit disappointed that while they can  
21 get into the fairways, it's hard to get from a berth into  
22 the fairway. But with displacement of materials, I'm sure  
23 that the City will be providing that information.

24 ENVIRONMENTAL SPECIALIST VAN WAY: Okay. If you  
25 get a chance, if you have any opportunity to put this in

1 writing, it might be helpful for our consultant to pursue  
2 that in writing.

3 MR. WAINWRIGHT: Okay, thank you.

4 MR. PLATT: Hello, my name is Tim Platt, I'm a  
5 resident of Martinez. And I wanted to concur with the  
6 concern on I think 6.1.1. of the Operational Safety and Risk  
7 Assessment, the significant criteria that emergency response  
8 capabilities need to be looked at with regard to siltation  
9 in or around Martinez Marina partly being exacerbated by  
10 what is happening at the marine terminal.

11 Secondly, both with regards to that section and  
12 with regard to section 6.1.6., Land Use and Recreation. It  
13 has been reported to me that the east wall of the marina  
14 that separates our marina from the marine terminal area ends  
15 up receiving a fair amount of siltation load from the  
16 terminal, as well as natural load. And it puts great stress  
17 and pressure on that wall and that makes it very difficult  
18 to maintain and keep it up to grade, and it impairs its  
19 ability to be used properly for a recreational barrier.

20 Additionally, I understand that there are two to  
21 three holes in that wall now that are ingress for a fair  
22 amount of siltation. And the dock by that wall, the F-Dock  
23 is the most severely impacted dock in the marina. Indeed, I  
24 understand that at low tide that it's a nice place to hike.  
25 So I think it might be wise to look at that situation with

**COMMENT SET 9 – Mr. Platt – lines 4-19**

1. Siltation and emergency response vessels.

**RESPONSE TO COMMENT SET 9**

1. The issue is discussed in Sections 4.2, Water Quality.

1 regard to Section 6.1.6., Land Use and Recreation, and I'd  
2 ask you to do so.

3 Thank you.

4 ENVIRONMENTAL SPECIALIST VAN WAY: Thank you.

5 Are there any more comments from the floor?

6 At this moment there are no more comments, and so  
7 I will close this meeting.

8 I'd like to thank you for your participation this  
9 evening. And the Commission staff will ensure that your  
10 comments will be addressed in the forthcoming EIR. This  
11 public meeting is now closed.

12 (Thereupon the public meeting of the State  
13 Lands Commission was adjourned at 6:56 p.m.  
14 on Monday, August 9, 2004.)

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## 1 CERTIFICATE OF SHORTHAND REPORTER

2 I, MICHAEL J. MAC IVER, a Shorthand Reporter, do  
3 hereby certify that I am a disinterested person herein; that  
4 I reported the foregoing State Lands Commission proceedings  
5 in shorthand writing; that I thereafter caused my shorthand  
6 writing to be transcribed into typewriting.

7 I further certify that I am not of counsel or  
8 attorney for any of the parties to said State Lands  
9 Commission proceedings, or in any way interested in the  
10 outcome of said State Lands Commission proceedings.

11 IN WITNESS WHEREOF, I have hereunto set my hand  
12 this 20th day of August 2004.

13  
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15  
16  
17  
18 Michael J. Mac Iver  
19 Shorthand Reporter  
20  
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22  
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25